

**Delcene Woodberry,  
2504 Iverson Street  
Temple Hills, Maryland 20748**

**Plaintiff,**

**vs.**

**Dollar Tree Store  
850 Largo Center Drive  
Upper Marlboro, Maryland 20774**

**Defendant.**

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**Case No. PWG 18-551**

**Dollar Tree Store**  
**850 Largo Center Drive**  
**Upper Marlboro, Maryland 20774**  
**Defendant.**

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**(Negligence – Personal Injuries – Dollar Store Gross Negligence)**

1. The Court has jurisdiction over the subject matter and over the parties named in this suit, in that the matter complained of herein occurred in the State of Maryland. The amount of Plaintiff's damages and in controversy are over \$75,000.

2. Plaintiff Delcene, is an adult citizen of the United States, and resides in the State of Maryland, at the address listed above.

3. Defendant Dollar Store, is a store doing business throughout the United States, and its principle place of business is outside

of the State of Maryland. It has stores and conducts business in the State of Maryland at the address above.

COUNT I  
(Negligence –Dollar Store)

4. On or about May 19, 2016, Plaintiff Delcene was a business invitee at the above Maryland Dollar Store. She was there to purchase some items for her home.

5. As she shopped in the store, suddenly and without warning Delcene was struck in her back by a cart filled high with boxes and being pushed by an employee of the Defendant Dollar Store.

6. The employee had piled the cart so high with boxes so as not to be able to see Plaintiff, walking in front of the cart. The employee's cart struck Plaintiff hard in her back causing her to fall and receive injuries. After he hit her he ran away.

7. The Defendant has policies of loading their carts very high to the top for storage. The employees are instructed to load the carts high and move them for storage, which is very dangerous to its customers.

8. The Defendant employee's actions of loading and moving the cart, without additional help are acts of recklessness and of gross negligence. These acts seriously and permanently injured Plaintiff.

9. Dollar store has been cited by the Federal Government throughout the nation, many times for acts unsafe to employees and customers, but it continues to employ such dangerous policies.

10. Since 2010, the Federal Government has recorded more than 100 safety and health violations at the Dollar stores nationwide and has assessed proposed fines totaling more than \$1 million. The

Federal Government has cited Dollar over and over for violations of these safety practices, yet Dollar continues to permit the same.

11. At all relevant times herein, Defendant Dollar Store through its employees and agents acted with reckless and gross negligence in the operation of its store in violation of the Federal Government and the State of Maryland Laws and Regulations in keeping safe its store premises for its business invitees.

12. At all relevant times herein, Defendant Dollar Store, through its employees owed a duty to Plaintiff Delcene not permit its store to become so dangerous and unsafe for its business invitees in accordance with the laws and regulations in effect at the time of the incident. Defendant Dollar Store through its employees breached said federal laws and duty owed to the public and carelessly, recklessly and with gross negligence operated its store so as to cause Plaintiff Delcene severe and permanent injuries.

13. Defendant Dollar Store, through its employees, acted reckless and with gross negligent which include, but are not limited to, the following actions:

a. failure to warn Plaintiff of the unsafe Dollar store conditions,

b. failure to warn the Plaintiff specifically of any and all negligent actions of its employees in violation of the Federal Government and State of Maryland laws;

c. failure to stop employees from packing moving carts so high so as to cause injury to Plaintiff and other invitees;

d. Plaintiff also relies on the doctrine of Res Ipsa Loquitur, and

e. The Defendant was otherwise reckless and grossly negligent.

14. As a direct and proximate result of the gross negligent and reckless acts of the Defendant, Plaintiff has suffered serious and painful injuries, that are permanent in nature. Plaintiff has suffered and will continue to suffer from these injuries, discomfort, pain and mental anguish in the future.

15. As a further direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has incurred and will continue to incur in the future, hospital, doctor, and other medical related expenses to heal her injuries. Plaintiff has suffered and will continue to suffer lost earnings in the future. Plaintiff also seeks damages for compensatory and punitive damages for negligent infliction of mental and emotional distress and anguish.

**WHEREFORE,** Plaintiff Delcene, demands judgment against Defendant Dollar Store in the sum of more than Five Hundred Dollars (\$500,000.00), plus costs and interest.

**COUNT II**  
(Gross Negligence)

16. Plaintiff hereby repeats the above paragraphs 1-15 as if there were listed herein.

17. On or about May 19, 2016, Defendant Dollar Store was the owner of the store premises located in Prince George's County Maryland.

18. It is the employer of store employees who worked for it and who piled its hand carts high with heavy items and pushed these dangerous carts in the aisles while invitees were shopping. At the time of this incident, the store employee knew that he could not see in front of his cart. He did not care or because of his condition could not care for the safety of the Plaintiff and the public. The employee's actions of moving the highly piled cart in his condition was done intentionally and with recklessness and malice and was also the practice and policy of the Dollar Stores nationwide.

19. The Federal Government, its Occupational Safety and Health Administration (OSHA) has fined Dollar Store for safety violations at a store in Texas, the amount of \$262,500 for blocking fire exits and other safety violations with the carts. The store would pile boxes, weighing up to 45 pounds to be haphazardly stacked in the storage room on carts exposing workers to crushing injuries. OSHA noted this is part of a pattern of Dollar Tree stores around the country and it willfully and repeatedly continue to break safety laws and by placing employees and customers in danger. Since 2009, Dollar Stores have been cited for 234 safety violations nationwide. The Defendant continues to ignore Federal workplace safety inspectors instructions

who have previously warned the company to correct hazards that could potentially jeopardize customer and employee safety during an emergency situation.

20. OSHA investigated a Dollar Store in Van Buren, Mo. Finding blocked exits and other hazards. OSHA inspectors found the stockroom provided little access to exit areas in the event of an emergency situation because merchandise and materials restricted exit routes. A merchandise pushcart was found blocking an exit from the retail area to the stockroom, which inhibited access to a side exit door for employees and customers. Throughout the store, numerous roll containers, and pushcarts were full of merchandise blocking aisle and blocking egress to emergency exit doors, which were dangerous to customers and employees.

21. A Lebanon County Dollar store was ordered to pay more than \$215,000 in penalties after an OSHA inspection uncovered numerous safety violations.

22. OSHA has cited the Dollar Store for continuous failure to provide a safe work environment for its employees and safe shopping experience for its customers. It continues its pattern of failing to maintain safe exit routes at its stores and safe shopping for its customers despite receiving more than 100 safety and health violations at stores nationwide since 2010. OSHA has fined it more than \$1 million in fines, and the company has still failed to take corrective actions.

23. The Washington State Labor & Industries took enforcement action against Dollar Stores for the second time in less than two years, and issued \$306,000 in fines for willful violations at two

of its stores. The inspections found violations at Bonney Lake and Kelso stores of knowingly exposing employees and customers to workplace safety hazards. Other Dollar Stores in Aberdeen and Chehalis were also cited for the same violations in 2016. The Labor & Industries ("L&I") stated that they are seeing the same safety violations at Dollar Tree stores over and over again in Washington, which is also a national problem. Employees, and customers, are being put at risk even though the fixes to these safety problems are simple. L&I to express concern for store employees' safety because boxes crowded and blocked pathways and emergency exit routes. Many boxes were also stacked precariously and so high they easily could have fallen on employees or customers, the agency reported that customers complained.

24. An Atlanta Dollar Store was fined \$83,050 because of safety violations uncovered by OSHA inspectors. The violations were apparently part of a pattern of violations found at Dollar Stores nationwide, an OSHA official stated.

25. The Defendant has failed to properly train its employees in the safe operation of moving loaded push storage carts around its stores. Defendant Dollar has had numerous safety violations throughout the nation. Dollar has known that pushing and storing its products on carts in the aisles is very dangerous and unsafe to its customers, and that the company had done nothing to correct the violations. Dollar is in violations of OSHA regulations throughout the nation and in Maryland, yet Dollar continues to permit these violations. Dollar's store actions are punitive.

26. At all relevant times herein, Defendant Dollar Store, through its employees, acted with actual malice, gross negligence

and/or willful, wanton or reckless disregard for the safety of Plaintiff and others, in the operation of its stores in violation of the State of Maryland and Federal Government Laws and Regulations when the Plaintiff was injured.

27. Defendant Dollar Store through its employees was reckless and negligent acts and/or omissions include, but are not limited to, the following:

- a. failure to warn Plaintiff of the unsafe store conditions,
- b. failure to warn the Plaintiff specifically of any and all gross negligent actions of its employees and violations of the Federal Government rules and regulations;
- c. failure to stop employees from packing its carts so high that cause injury to Plaintiff and other business invitees;
- d. Plaintiff also relies on the doctrine of Res Ipsa Loquitur,
- e. The Defendant was otherwise grossly negligent,

28. Plaintiff is entitled to punitive damages based on the Dollar employee's outrageous operations, which is properly imputed to Defendant Dollar, as it is vicariously liable for the store's tortious policies and practices.

29. As a direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has suffered serious and painful injuries that are permanent in nature. Plaintiff has suffered

and will continue to suffer discomfort and mental anguish in the future.

30. As a further direct and proximate result of the negligent and reckless acts of the Defendant, Plaintiff has incurred and will continue to incur in the future, hospital, doctor, and other medical related expenses to heal his injuries and Plaintiff has suffered and will continue to suffer lost earnings in the future.

**WHEREFORE**, Plaintiff Delcene, demands judgment against Defendant Dollar Store in the sum of more than One Million Dollars (\$1,000,000.00), plus costs and interest as punitive damages.

Respectfully submitted,

By Jay B. Dorsey

**Jay B. Dorsey, Esquire  
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Counsel for Plaintiff**

**Delcene Woodberry,  
2504 Iverson Street  
Temple Hills, Maryland 20748**

**Plaintiff,**

**vs.**

**Dollar Tree Store  
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**Defendant.**

**Case No. PWG 18-551**

Plaintiff hereby requests trial by jury as to all issues.

*Jay B. Dorsey*

Jay B. Dorsey, Esquire